

Committee Room,
Austin, Texas, February 18, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 97, A bill to be entitled "An Act to provide a charter for the city of El Paso, in El Paso county, Texas, and to fix the boundaries thereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

CHAMBERS, Chairman.

(Floor Report.)

Committee Room,
Austin, Texas, February 18, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Educational Affairs, to whom was referred

House bill No. 67, A bill to be entitled "An Act creating an independent school district to be known as the Quanah Independent School District, including within its limits the municipal corporation of the town of Quanah, Hardeman county, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same and to pay current expenses in the maintenance and support, and further prescribing the duties and authorities of said board,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Barrett, Grinnan, Harper, Meachum, Senter, Green, Glasscock.

Committee Room,
Austin, Texas, February 18, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 13, Pro-

posing an amendment to Article four (4) of the Constitution of the State of Texas, by adding thereto a section to be known as Section 27, providing for a Department of Agriculture, with a Bureau of Labor.

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 15, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 157, A bill to be entitled "An Act to amend Section 12 and Section 20 of Chapter 128 of the Acts of the Twenty-sixth Legislature, entitled 'An Act providing the mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in certain counties, or in any subdivision of the said counties, so that when an election under said law shall be in favor of the stock law that the certificate thereto shall be prima facie evidence of a compliance with the law to put the same in force'; also to provide for the punishment of any one violating the provisions of said act, and adding thereto Section 20a and Section 20b, and declaring an emergency,"

And find the same correctly engrossed.

TERRELL, Acting Chairman.

THIRTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
Tuesday, February 19, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.

Absent—Excused.

Stokes.

Prayer by the Chaplain of the Senate, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Stone, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

BILLS AND RESOLUTIONS.

By Senator Veale:

Senate bill No. 194, A bill to be entitled "An Act to amend Article 290 of the Penal Code of the State of Texas, defining 'barratry,' by adding thereto Article 290a, prescribing a penalty for all persons who may engage in the practice of law in the courts of Texas, and who make charges for such service without having had issued to them the license provided by law and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Faust:

Senate bill No. 195, A bill to be entitled "An Act to amend Article 1092 of the Code of Criminal Procedure so as to provide that the testimony of all the material witnesses be reduced to writing and properly sworn to and not otherwise."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Veale:

Senate bill No. 196, A bill to be entitled "An Act to restore and confer upon the county court of Lipscomb county, Texas, the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act."

Read first time, and referred to Committee on Judicial Districts.

By Senator Harper:

Senate bill No. 197, A bill to be entitled "An Act creating the Kosse Independent School District in Limestone county, Texas," etc.

Read first time, and referred to Committee on Education.

By Senators Stone and Grinnan:

Senate Joint Resolution No. 17, Joint Resolution to amend Section 39, Article 16, of the Constitution of the State of Texas, relating to the erection of monuments."

Read first time, and referred to Committee on Constitutional Amendments.

By Senator Hudspeth:

Resolution—Whereas, On account of press of notarial work, the clerk in that department is greatly behind with his work; therefore, be it

Resolved, That Mr. E. J. Roberts, the notarial clerk, be relieved of the duty of sending out the Senate Journals, and that the Lieutenant Governor is hereby authorized to assign some other clerk to this position.

Read and referred to Committee on Contingent Expenses.

Morning call concluded.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following House bills (see captions of in Journal of yesterday in House Message):

House bill No. 413, read and referred to Committee on Educational Affairs.

House bill No. 292, read and referred to Committee on Educational Affairs.

House bill No. 434, read and referred to Committee on Educational Affairs.

House bill No. 196, read and referred to Committee on Towns and City Corporations.

SIMPLE RESOLUTION.

By Senator Alexander:

Resolved, That when the Senate adjourns today, said adjournment shall be taken out of respect to the death of the wife of our honorable colleague, Senator C. C. Stokes.

Resolved further, That the sincere sympathy of each member of this Senate is extended to our honorable colleague and to his family in this great affliction, and our tenderest thoughts gather about him in his sorrow.

MEACHUM,
ALEXANDER,
GRINNAN,
MAYFIELD,
CHAMBERS,
HUDSPETH,
SKINNER,
WILLACY.

The resolution was read and unanimously adopted by a rising vote.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bills:

House bill No. 131, A bill to be entitled "An Act to amend Article 2989, Title LVI, of the Revised Civil Statutes with respect to the granting of injunctions."

House bill No. 433, A bill to be entitled "An Act to incorporate the city of Fort Worth, Tarrant county, Texas, and to grant it a new charter; to define its powers, and to prescribe its duties and liabilities; to provide for its approval by the qualified electors of said city, and declaring an emergency."

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following House bills:

House bill No. 131, read and referred to Judiciary Committee No. 1.

House bill No. 433, read and referred to Committee on Towns and City Corporations.

SENATE BILL NO. 65.

The Chair laid before the Senate, on second reading and pending business,

Senate bill No. 65, A bill to be entitled "An Act to create a State Text-Book Board and to procure for use in the public free schools of the State of Texas a series of uniform text-books, defining the duties of certain officers therein named, making an appropriation therefor, defining certain misdemeanors, providing for a bond for the faithful performance of the contract, and to cover liquidated damages for fraud or collusion and authorizing the Attorney General to bring suit therefor, and providing penalties for violations of the provisions of this act."

The following amendment was pending:

By Senator Cunningham:

Amend Section 1, Senate bill 65, by adding after the word "hygiene," in line 31, "civil government."

The amendment was read and adopted.

Senator Barrett offered the following amendment:

Amend Senate bill No. 65, page 6, line 1, by adding after the word "price" the following:

"Provided that said board in selecting said books shall give preference to the text books of Texas authors, or publishers, the price and merit of same being equal to other text-books offered."

Senator Smith moved to table the

amendment, which motion was adopted by the following vote:

Yeas—18.

Alexander.	Kellie.
Brachfield.	Looney.
Cunningham.	Masterson.
Faust.	Murray.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Veale.
Harper.	Watson.
Holsey.	Willacy.

Nays—10.

Barrett.	Hudspeth.
Chambers.	Mayfield.
Glasscock.	Paulus.
Griggs.	Senter.
Harbison.	Terrell.

Absent.

Meachum.

Absent—Excused.

Stokes.

Absent Excused—On Account of Investigating Committee.

Stone.

Senator Willacy moved to reconsider the vote by which the amendment was tabled and lay that motion on the table.

The motion to table prevailed.

Senator Smith offered the following amendment, which was adopted:

Amend Section 1, line 19, by inserting after the word "engaged" the following: "next preceding such appointment."

Senator Grinnan offered the following amendment:

Amend by adding after the word "Texas" in line 32, page 1, the following: "Constitutional history of the United States, teaching the construction placed on said Constitution by the Fathers of the Southern Confederacy."

The amendment was adopted by the following vote:

Yeas—15.

Alexander.	Kellie.
Chambers.	Mayfield.
Cunningham.	Murray.
Glasscock.	Paulus.
Grinnan.	Terrell.
Harbison.	Veale.
Holsey.	Willacy.
Hudspeth.	

Nays—7.

Barrett.	Masterson.
Faust.	Smith.
Griggs.	Watson.
Harper.	

Absent.

Meachum.

Absent—Excused.

Stokes.

Absent Excused—On Account of Investigating Committee.

Brachfield.

Senter.

Green.

Skinner.

Greer.

Stone.

Looney.

Senator Grinnan moved to reconsider the vote by which the amendment was adopted and lay that motion on the table.

The motion to table prevailed.

Senator Murray offered the following amendment:

Amend page 7, line 10, after the words "county sites" the following: "At each county site as above provided and in every city in this State containing 2500 inhabitants or over, there shall be maintained an agency carrying a stock of not less than \$250 worth of books, said agency to be maintained at expense of contracting company."

Senator Harper offered the following amendment to the amendment, which was adopted:

Amend by striking out "2500" and inserting "1000."

The amendment, as amended, was adopted.

Senator Masterson offered the following amendment:

Amend the bill by adding to the end of Section 1 the following: "Provided, the provisions of this act shall not apply to cities having a population of more than 10,000 according to the last preceding United States census, which levies a local tax for the purpose of maintaining a system of graded schools, which local tax, together with the State fund, is sufficient to maintain said system of graded schools for as long a period as eight months in each year; but if the duly constituted authorities in charge of any such local school system shall desire to use any of the books selected by said State Text-Book Board, they shall have the privilege of buying said books at the same price and on the same terms at which they are furnished to other schools."

MASTERSON,
GRIGGS,
GREEN,
GLASSCOCK,
SENER,
HUDSPETH,
STONE,
KELLIE,
WILLACY,
STOKES,
WATSON.

Pending.

Here Senator Harper moved that the bill and amendment be laid on the table subject to call—stating the reason for the motion was that the members of the investigating committee were absent and that some of them desired to amend the bill.

The motion was adopted.

SENATE BILL NO. 13.

Senator Masterson moved that the special order of business (Senate bill No. 13) be suspended, and the Senate take up, out of its order, Senate bill No. 55.

The motion was lost by the following vote, a two-thirds vote being necessary for the adoption of the motion:

Yeas—9.

Barrett.	Masterson.
Glasscock.	Murray.
Griggs.	Watson.
Hudspeth.	Willacy.
Kellie.	

Nays—13.

Alexander.	Holsey.
Chambers.	Mayfield.
Cunningham.	Paulus.
Faust.	Smith.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	

Absent.

Meachum.

Absent—Excused.

Stokes.

Absent Excused—On Account of Investigating Committee.

Brachfield.	Senter.
Green.	Skinner.
Greer.	Stone.
Looney.	

The Chair laid before the Senate, on second reading, and pending business,

Senate bill No. 13, A bill to be entitled "An Act regulating the granting of divorce by annulling marriage, dissolving the bonds of matrimony, the practice in relation to the trial of divorce suits; prescribing penalties for the violation thereof, and with an emergency clause."

The following amendment by Senator Terrell was pending:

Amend the bill by adding to Section 3, as amended, the following: "Provided, the clerk shall not allow an inspection of such statement of facts to any one except the parties to the suit

and their attorneys, unless such person shall present to such clerk an order of the judge of said court authorizing said clerk to allow such person to inspect such statement of facts."

The amendment was adopted.

(Senator Harbison in the chair.)

Senator Glasscock offered the following amendment:

Amend by striking out Sections 4 and 5 of the bill.

Pending discussion on the above amendment, Senator Smith moved the previous question on the bill, and

Senator Veale offered an amendment to be considered under the previous question.

Senator Smith then moved the previous question on the bill and asked unanimous consent for those members who desired to offer amendments to send them up and that they be considered under the previous question.

The previous question was duly seconded, and ordered by the following vote:

Yeas—27.

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Mayfield.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Watson.
Harper.	Willacy.
Holsey.	

Nays—2.

Masterson. Senter.

Absent.

Meachum.

Absent—Excused.

Stokes.

Question was then on the amendment by Senator Glasscock, which was lost by the following vote:

Yeas—12.

Cunningham.	Murray.
Glasscock.	Paulus.
Griggs.	Senter.
Hudspeth.	Stone.
Kellie.	Terrell.
Masterson.	Watson.

Nays—17.

Alexander.	Brachfield.
Barrett.	Chambers.

Faust.	Looney.
Green.	Mayfield.
Greer.	Skinner.
Grinnan.	Smith.
Harbison.	Veale.
Harper.	Willacy.
Holsey.	

Absent.

Meachum.

Absent—Excused.

Stokes.

Question was then on the following amendment by Senator Veale, which had been filed:

Amend by adding after Section 8 the following:

"Sec. 8a. Provided that this act shall not be construed to repeal, modify or in any manner affect the laws now in effect relative to the property rights of the parties to suits for divorce."

The amendment was read and adopted.

Question was then on the following amendment by Senator Greer, which had been filed:

Amend Section 2 by striking out the words "one year" where they appear in lines 23 and 28, and insert in lieu thereof the words "six months."

The amendment was read and lost by the following vote:

Yeas—10.

Glasscock.	Murray.
Greer.	Senter.
Griggs.	Stone.
Hudspeth.	Terrell.
Masterson.	Watson.

Nays—19.

Alexander.	Holsey.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Mayfield.
Cunningham.	Paulus.
Faust.	Skinner.
Green.	Smith.
Grinnan.	Veale.
Harbison.	Willacy.
Harper.	

Absent.

Meachum.

Absent—Excused.

Stokes.

(Lieutenant Governor Davidson in the chair.)

The following amendment by Senator Green, which had been filed, was laid before the Senate and read:

Amend the bill by adding after Section 4, on page 2, as an additional section

thereto the following: "Where a judgment is rendered requiring a husband to provide for the education or maintenance of any of the children of a marriage, or for the support of his wife, the court may, in its discretion, also direct him to give reasonable security, within such a manner and in such a time as the court may think proper, for the payment, from time to time, of the sums of money required for that purpose. If he fails to give the security or to make any payment required by the terms of such judgment or order, whether he has or has not given security therefor, the court may appoint a receiver to take possession of his personal property and the rents and profits of his real property; such rents and profits, and personal property to be applied, from time to time, to the payment of any of the sums of money so decreed to be paid. Provided further, that when the rents and profits and personal property are not sufficient to pay such sums, then the court, or its receiver, may give notice to the husband's employer, and thereupon it shall be the duty of such employer, thereafter, to pay over to such receiver, or other person as the court may direct, such portion of his salary as the court may direct, and to continue paying the same until further ordered by the court, and such payment shall be, to the extent made, a satisfaction of the amount due by such employer to said husband."

The amendment was adopted by the following vote:

Yeas—14.

Alexander.	Harper.
Barrett.	Holsey.
Brachfield.	Hudspeth.
Chambers.	Kellie.
Faust.	Looney.
Green.	Masterson.
Harbison.	Senter.

Nays—14.

Cunningham.	Paulus.
Glasscock.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Terrell.
Mayfield.	Veale.
Murray.	Watson.

Absent.

Meachum.	Willacy.
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Absent—Excused.

Stokes.

The vote being a tie, Lieutenant Governor Davidson voted "yea," and declared the amendment adopted.

The following amendment by Senator Glasscock was read:

Amend Section 5, page 3, of the printed bill by adding to said section the following words: "Provided, the order or judgment for alimony shall not be a lien or enforced as a lien on the property of the husband if he shall promptly pay the order or judgment of the court for alimony as it falls due."

The amendment was adopted by the following vote:

Yeas—16.

Glasscock.	Masterson.
Green.	Mayfield.
Greer.	Murray.
Griggs.	Senter.
Grinnan.	Stone.
Holsey.	Terrell.
Hudspeth.	Veale.
Kellie.	Willacy.

Nays—13.

Alexander.	Harper.
Barrett.	Looney.
Brachfield.	Paulus.
Chambers.	Skinner.
Cunningham.	Smith.
Faust.	Watson.
Harbison.	

Absent.

Meachum.

Absent—Excused.

Stokes.

The bill was read second time, and ordered engrossed by the following vote:

Yeas—22.

Alexander.	Harper.
Barrett.	Holsey.
Brachfield.	Hudspeth.
Chambers.	Kellie.
Cunningham.	Looney.
Faust.	Mayfield.
Green.	Paulus.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Veale.
Harbison.	Willacy.

Nays—7.

Glasscock.	Stone.
Masterson.	Terrell.
Murray.	Watson.
Senter.	

Absent.

Meachum.

Absent—Excused.

Stokes.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Kellie.
Chambers.	Looney.
Cunningham.	Masterson.
Faust.	Mayfield.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Smith.
Griggs.	Terrell.
Grinnan.	Veale.
Harper.	Willacy.

Nays—4.

Murray.	Stone.
Senter.	Watson.

Absent.

Harbison.	Meachum.
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Absent—Excused.

Stokes.

The bill was read third time, and passed by the following vote:

Yeas—21.

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Kellie.
Chambers.	Looney.
Cunningham.	Mayfield.
Faust.	Paulus.
Green.	Skinner.
Greer.	Smith.
Griggs.	Veale.
Grinnan.	Willacy.
Harper.	

Nays—7.

Glasscock.	Stone.
Masterson.	Terrell.
Murray.	Watson.
Senter.	

Absent.

Harbison.	Meachum.
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Absent—Excused.

Stokes.

Senator Smith moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXCUSED.

On motion of Senator Harper, Senators Holsey and Kellie were excused from

attendance upon the Senate on yesterday on account of committee work.

On motion of Senator Kellie, Senator Paulus was excused from attendance upon the Senate on account of sickness.

BILLS SIGNED BY CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate after their captions had been read,

Senate bill No. 80, "An Act creating the Blossom Independent School District in Lamar county, Texas."

Senate bill No. 49, "An Act to amend Sections 1 and 2, Chapter 71, of the Acts of the Twenty-eighth Legislature of the State of Texas, amending the stock law for certain counties."

Senate bill No. 165, "An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay, to connect, as part of the roadways of the county on the island and mainland and the county to issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings and providing for the right of way; also to authorize all corporations using said structure to buy the bonds issued by the county and to lease right of easement of user of portion of said structure from such county on terms agreed on with the county commissioners court."

MOTION TO TAKE UP SENATE BILL NO. 58.

Senator Terrell moved that the special order of business (Senate bill No. 55) be suspended, and the Senate take up, out of its order, Senate bill No. 58.

RECESS.

On motion of Senator Murray, the Senate, at 12:50 o'clock recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson, and the pending question was on Senator Terrell's motion to take up, out of its order, Senate bill No. 58.

Senator Terrell yielded the floor, on his motion.

SENATE BILL NO. 156.

On motion of Senator Harbison, the special order of business (Senate bill No.

55) was suspended, and the Senate took up, out of its order, Senate bill No. 156.

The Chair laid before the Senate, on second reading,

Senate bill No. 156. A bill to be entitled "An Act to amend Section 3 of an Act of the Twenty-ninth Legislature of Texas, approved May 1, 1905, entitled 'An Act relating to State and county finances and the finances of cities incorporated under the General Laws of this State, providing for a system of State, county and city depositories for said State, county and city funds, for the selection and designation of such depositories; to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict herewith.'"

Senator Harbison offered the following substitute bill:

A BILL

To Be Entitled

An Act to amend "An Act relating to State and county finances and the finances of cities incorporated under the General Laws of this State, providing for a system of State, county and city depositories for said State, county and city funds, for the selection and designation of such depositories; to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict herewith," approved May 1, 1905, the same being Chapter 164 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-ninth Legislature, relating to a system for State, county and city depositories, so as to further define what banks or banking institutions may become State depositories, and providing for readvertising for bids for the safe keeping and payment of the deposits of the State funds, and providing that in no instance shall there be awarded to any bidder any amount of State funds in excess of its paid up capital stock, and making an appropriation for carrying into effect the provisions of said Chapter 164, as amended by this act, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 1 and 19 of an act entitled "An Act relating to State and county finances and the finances of cities incorporated under the General Laws of this State, providing for a system of State, county and city depositories for State, county and city funds,

for the selection and designation of such depositories; to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict herewith," approved May 1, 1905, constituting Chapter 164 of the General Laws passed by the Twenty-ninth Legislature of Texas, be amended by adding thereto a section to be known as Section 3a, and by amending Sections 1 and 19 of said act so that said amended sections and said additional Section 3a shall, respectively, hereafter read as follows, viz.:

Section 1. It shall be the duty of the State Treasurer, at the times and in the manner provided in this act, to designate a bank or banking institution in each Senatorial District in the State of Texas which shall be known as a State depository. Said bank or banking institution must be a national bank or an incorporated company authorized to do business in the State of Texas, and must have a paid-up capital stock of not less than \$25,000, and any such bank or banking institution may become a bidder under the provisions of any section of this act; but each such depository shall be established and conducted in accordance with and subject to the provisions of this act, and in no instance shall there be made to any such bank or banking institution any award of State funds greater than the amount of its paid-up capital stock.

Other depositories may be selected in lieu of those not selected from and for Senatorial districts, and provided for herein.

Sec. 3a. If for any one or more Senatorial Districts no bid shall be submitted, or none shall be accepted, or the successful bidder shall fail to qualify as provided in this act, it shall thereupon become the duty of the State Treasurer to cause to be printed a circular letter soliciting bids for keeping the public funds of the State in such Senatorial Districts, respectively, for the remainder of the term of two years prescribed by Section 2 of this act, and upon the conditions prescribed in this act, which letter shall in all other respects conform to the requirements concerning the circular letter prescribed by Section 2 of this act except that it shall specify that all bids thereunder must be in the hands of the State Treasurer on or before 12 o'clock noon of a certain day to be therein named, not less than twenty nor more than thirty days after the date of such circular letter; and the certified check accompanying such bid shall become forfeited to the State in case such bid shall be accepted and the bidder shall fail to comply with the

requirements, as provided by this act, for the qualification of depositories. The State Treasurer shall mail a copy of such circular letter to each bank or banking institution in the State of Texas situated within any of the Senatorial Districts for which no bid for such term shall have been accepted, and shall immediately deposit with the Comptroller and Attorney General, respectively, a copy of such circular letter, and attach thereto a list of those to whom such letter has been mailed as herein provided, such copies and lists to be certified by the State Treasurer under his seal of office. The State Treasurer shall also keep a copy of such letter and a list of those to whom it has been sent on file in his office for the inspection of any person who may desire to examine the same. All bids which may be sent to the State Treasurer pursuant to such circular letter shall be sealed up in a strong envelope and marked, "Bid for the safe-keeping and payment of the deposit of the State funds," and he shall endorse thereon the time of the receipt of such bid. Such bids shall state the interest such bank or banking institution will pay on the average daily balances to the credit of the State Treasurer in such bank or banking institution. All such bids shall be directed to the State Treasurer and shall be opened by him on the day designated in such circular letter, or as soon thereafter as practicable, in the presence of the Comptroller and Attorney General, and thereupon the State Treasurer shall, with the approval of the Comptroller and Attorney General, select and designate one of such banks or banking institutions as the depository of the State for each such Senatorial District: provided, said State Treasurer may, with the approval of the Comptroller and Attorney General, reject any and all such bids, and provided further, that in no instance shall any except the highest and best bidder for any Senatorial District be accepted.

Sec. 19. If for any one or more Senatorial Districts no bids shall be submitted or none shall be accepted, or the successful bidder shall fail to qualify as provided in this act, under the preceding section thereof, it shall thereupon become the duty of the State Treasurer, immediately after the date of opening of the bids, provided for in the preceding Section 3a, or upon the failure of the successful bidder to qualify, as the case may be, to advertise for bids in such daily newspaper or newspapers of general circulation in the State as said State Treasurer, Comptroller of Public Accounts and Attorney General, or a majority of them, shall deem advisable, for

proposals from banks or banking institutions of the class and character mentioned in preceding sections of this act in this State, to keep a State depository and as many thirty-firsts of the State funds as there shall then be such Senatorial Districts for which no depository shall have been selected, not exceeding, however, two such thirty-firsts to be awarded to any one bidder, but in no instance shall there be awarded to any one bidder any amount in excess of its paid up capital stock, all such bids to be delivered to the State Treasurer upon a day to be named in such advertisement, which shall be not less than twenty nor more than thirty days subsequent to the first publication of such advertisement.

Upon the date named in such advertisement the State Treasurer shall, in the presence of the Comptroller of Public Accounts and Attorney General, open all bids so received and shall, with their approval and consent, award to the highest and best bidders therefor, respectively, the keeping of the number of such thirty-firsts of the State funds for which proposals have been so invited, and for which such bids have been so made; provided, that said State Treasurer, Comptroller and Attorney General may, should they deem it to the best interests of the State, limit such award to only one such thirty-first of the State funds.

At the discretion of the State Treasurer, Comptroller and Attorney General any one or more bidders making a proposal under the provisions of this section may, respectively, be awarded the keeping of two thirty-firsts of such State funds, not exceeding, however, in any instance more than \$100,000, and not exceeding in any instance the amount of paid-up capital stock of the bank or banking institution making such bid, and in any and all such cases such bidder shall deposit securities with such State Treasurer of the same class and character and of double the value, and shall give indemnity bonds of similar character and in double the amount required by this act for depositories selected under preceding sections of this act from Senatorial Districts, and shall be governed by all the restrictions and regulations imposed upon them by this act; provided, that any and all depositories selected and qualifying under this section shall, on the first day of each month (or if such first day be Sunday or a holiday, then on the next succeeding day), remit to the State Treasurer all State funds in excess of \$100,000 then on hand, but subject to the provisions of Section 14 above. All depositories selected and qualifying under this section shall at all times during such term

be permitted to keep on deposit such amount of State funds as may have been awarded to them, respectively, under the provisions of this section.

All provisions concerning certified checks in Section 2 of this act shall apply to advertisements, bids and bidders under this section, and the term to be embraced in bids and awards under this section shall be the same as under Section 16. No award shall in any instance be made under this section to any bidder whose bid shall be for less than 2 per cent per annum on daily balances in such depositories.

Sec. 2. That for the purpose of carrying said Chapter 164, as amended by this act, into effect, there is hereby appropriated out of any funds in the State treasury to the credit of the general revenue, and not heretofore appropriated, the sum of.....dollars, or so much thereof as may be necessary, to be expended within two years, which may be paid out upon accounts to be approved by the State Treasurer, the Comptroller and the Attorney General.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act shall be and the same are hereby repealed.

Sec. 4. The facts that under the provisions of Chapter 164 of the General Laws passed by the Twenty-ninth Legislature there have been accepted bids for State depositories in less than one-half of the Senatorial Districts in this State, and it is necessary to readvertise for bids for such depositories, and there is no law making an adequate provision therefor, and the further fact that no appropriation has been made to carry into effect the provisions of said Chapter 164, creates an emergency and an imperative public necessity requiring that the constitutional rule which provides that bills be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Senator Harper moved that the substitute bill be printed in the Journal and that the bill be postponed until tomorrow morning.

The motion was adopted.

EXCUSED.

On motion of Senator Alexander, Senator Smith was excused from attendance upon the Senate for the remainder of today on account of sickness.

HOUSE BILL NO. 196.

On motion of Senator Hudspeth the special order of business (Senate bill

No. 55) was suspended, and the Senate took up, out of its order, House bill No. 196.

Senator Hudspeth moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading.

The roll call developed no quorum voting, the following Senators answering to their names:

Present—18.

Alexander.	Harper.
Barrett.	Holsey.
Chambers.	Hudspeth.
Cunningham.	Masterson.
Faust.	Mayfield.
Glasscock.	Murray.
Griggs.	Paulus.
Grinnan.	Terrell.
Harbison.	Veale.

Absent.

Kellie.	Watson.
Meachum.	Willacy.

Absent—Excused.

Smith.	Stokes.
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Absent Excused—On Account of Investigating Committee.

Brachfield.	Senter.
Green.	Skinner.
Greer.	Stone.
Looney.	

RECESS.

On motion of Senator Chambers, the Senate recessed until 3 o'clock.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

HOUSE BILL NO. 196.

Action then recurred on House bill No. 196.

On motion of Senator Hudspeth the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—26.

Alexander.	Greer.
Barrett.	Griggs.
Brachfield.	Grinnan.
Chambers.	Harbison.
Cunningham.	Harper.
Faust.	Holsey.
Glasscock.	Hudspeth.
Green.	Looney.

Masterson.	Skinner.
Mayfield.	Stone.
Murray.	Terrell.
Paulus.	Veale.
Senter.	Willacy.

Absent.

Kellie.	Watson.
Meachum.	

Absent—Excused.

Smith.	Stokes.
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On motion of Senator Hudspeth the Senate rule requiring committee reports to lay over for one day was suspended by the following vote:

Yeas—26.

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Willacy.

Absent.

Kellie.	Watson.
Meachum.	

Absent—Excused.

Smith.	Stokes.
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The Chair laid before the Senate, on second reading,

House bill No. 196, A bill to be entitled "An Act to provide a charter for the city of El Paso, in El Paso county, Texas, and to fix the boundaries thereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Senator Hudspeth offered the following amendment, which was adopted:

Add to Section 8 the following words: "On judgment, contract or valid tax levy or assessment."

Senator Hudspeth offered the following amendment, which was adopted:

Add to Section 12, after the word "whatsoever" the following words: "On judgment, contract or valid tax levy or assessment."

Senator Hudspeth offered the following amendment, which was adopted:

Strike from Section 51 the following words: "Or street railway company."

Senator Hudspeth offered the following amendment, which was adopted:

Add to Section 50 the following words after the word "built": "And when such viaduct or subway is completed the grade crossing on such street shall be closed."

Senator Hudspeth offered the following amendment, which was adopted:

Add to Section 181 the following words, "provided every ordinance shall be presumed to have been so published until the contrary be shown."

Senator Hudspeth offered the following amendment, which was adopted:

Amend by adding to Section 44 after the first proviso the following words: "Provided further that it shall be unlawful to open, conduct or carry on a saloon within the limits of saloon District No. 1 in the city of El Paso, within 150 feet of any building which was erected for private school purposes prior to the time of the opening of such saloon so long as said school building is used exclusively for the purpose of conducting a school for the instruction of children."

Senator Hudspeth offered the following amendment, which was adopted:

Amend Section 45 by adding after the words "public school building" the following words "or within 100 feet of any private school building contrary to the terms of Section 44 of this act."

Bill read second time and passed to a third reading.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Willacy.

Absent.

Kellie.	Watson.
Meachum.	

Absent—Excused.

Smith.	Stokes.
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The bill was read third time and passed by the following vote:

Yeas—26.

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Willacy.

Absent.

Kellie.	Watson.
Meachum.	

Absent—Excused.

Smith.	Stokes.
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Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 433.

Senator Grinnan moved that the special order of business (Senate bill No. 55) be suspended, and the Senate take up, out of its order, Senate bill No. 162.

Senator Alexander moved, as a substitute, that the Senate suspend the special order of business and take up, out of its order, House bill No. 433.

The substitute motion was adopted by the following vote:

Yeas—23.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Stone.
Griggs.	Terrell.
Harbison.	Veale.
Holsey.	Willacy.
Hudspeth.	

Nays—3.

Greer.	Harper.
Grinnan.	

Absent.

Kellie.	Watson.
Meachum.	

Absent—Excused.

Smith.	Stokes.
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On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—24.

Alexander.	Harper.
Barrett.	Holsey.
Brachfield.	Hudspeth.
Chambers.	Looney.
Cunningham.	Masterson.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Willacy.

Absent.

Kellie.	Senter.
Mayfield.	Watson.
Meachum.	

Absent—Excused.

Smith.	Stokes.
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On motion of Senator Alexander, the Senate rule requiring committee reports to lie over for one day, was suspended for the purpose of considering this bill, by the following vote:

Yeas—25.

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Willacy.
Harper.	

Absent.

Kellie.	Senter.
Meachum.	Watson.

Absent—Excused.

Smith.	Stokes.
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The Chair laid before the Senate on second reading

House bill No. 433, A bill to be entitled "An Act to incorporate the city of

Fort Worth, Texas, and grant it a new charter, to define its powers and to prescribe its duties and liabilities, to provide for its approval by the qualified electors of said city," etc.

On motion of Senator Alexander, the committee report, which provided that the bill be not printed, was adopted. (See Appendix for committee report.)

Senator Alexander here offered the following:

Notice is hereby given that we intend to apply to the Thirtieth Legislature of Texas for a special law creating and enacting a new charter for the city of Fort Worth, in Tarrant county, Texas. (Signed) B. B. Paddock, J. L. Cooper, Clarence Ousley, W. P. Lane, W. P. McLean, Sr., A. L. Matlock, A. J. Baskin.

State of Texas, Tarrant County.

I, A. J. Sandegard, business manager of the Record Company, publishers of the Fort Worth Record, hereby certify on oath that the Fort Worth Record is a daily newspaper printed in Fort Worth, Tarrant county, Texas, and that the notice, of which a copy with bill appears on the attached paper hereto, was published in said newspaper on December 1 to December 31, 1906.

A. J. SANDEGARD.

Subscribed and sworn to before me on this 31st day of January, 1907.

(Signed) B. M. LEVY,

Notary Public, Tarrant County, Texas.

Bill read second time, and passed to a third reading.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Willacy.
Harper.	

Absent.

Kellie.	Senter.
Meachum.	Watson.

Absent—Excused.

Smith.	Stokes.
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The bill was read third time and passed by the following vote:

Yeas—25.

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Willacy.
Harper.	

Absent.

Kellie.	Senter.
Meachum.	Watson.

Absent—Excused.

Smith.	Stokes.
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Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 162.

On motion of Senator Grinnan the special order of business (Senate bill No. 55) was suspended, and the Senate took up, out of its order, Senate bill No. 162.

The Chair laid before the Senate, on second reading,

Senate bill No. 162, A bill to be entitled "An Act creating the San Saba Independent School District."

Senator Grinnan offered the following amendment:

Amend Senate bill No. 162 by striking out all between "district" in line 19 and "vesting" in line 23, page 1, and insert the following: "Heretofore levied, or that may be hereafter levied."

And by striking out "an incorporation" in line 32, page 2, and insert the following: "A corporation."

And by striking out "lmts" in line 3, page 3, and insert the following: "Limits."

And by striking out "anton" in line 8, page 4, and insert the following: "Anton."

And by adding after "election" in line 2, page 5, the following: "Shall."

And by adding after "qualified" in line 7, page 5, the following: "And the three remaining trustees now in office shall continue in office the first Saturday in May, 1908, at which time their successors shall be elected as provided in this act."

And by striking out "votes" in line 23, page 5, and insert the following: "Board."

And by adding to Section 7, page 6, the following: "Provided that when a majority of said Board of Trustees of said district prefer to have the special taxes of said district assessed and collected, respectively, by the tax assessor and collector of San Saba county, then said county assessor may assess and said county collector may collect the special school taxes for said San Saba Independent School District, upon giving bonds respectively, as above provided; and in that case said county assessor and county collector, respectively, may receive for their services such compensation as may be allowed by said Board of Trustees, not to exceed 4 per cent of all funds collected as hereinbefore stated."

And by adding after the word "and" last occurring in line 12, of page 7, the following: "Generally to adopt such."

And to strike out "common" in line 32, page 9, and insert the following: "Free."

And by striking out all of Section 19.

The amendment was read and adopted.

Senator Grinnan offered the following amendment, which was adopted.

Amend by adding after "an" in line 22, page 11, the following: "An imperative public necessity and an."

Bill read second time and ordered engrossed.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Alexander.	Holsey.
Barrett.	Hudspeth.
Chambers.	Looney.
Cunningham.	Masterson.
Faust.	Mayfield.
Glasscock.	Murray.
Green.	Paulus.
Greer.	Terrell.
Griggs.	Veale.
Grinnan.	Willacy.
Harper.	

Absent.

Brachfield.	Senter.
Harbison.	Skinner.
Kellie.	Stone.
Meachum.	Watson.

Absent—Excused.

Smith.	Stokes.
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The bill was read third time and passed by the following vote:

Yeas—21.

Alexander.	Holsey.
Barrett.	Hudspeth.
Chambers.	Looney.
Cunningham.	Masterson.
Faust.	Mayfield.
Glasscock.	Murray.
Green.	Paulus.
Greer.	Terrell.
Griggs.	Veale.
Grinnan.	Willacy.
Harper.	

Absent.

Harbison.	Meachum.
Kellie.	Watson.

Absent Excused—On Account of Investigating Committee.

Brachfield.	Skinner.
Senter.	Stone.

Absent—Excused.

Smith.	Stokes.
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Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 45.

On motion of Senator Looney the special order of business (Senate bill No. 55) was suspended, and the Senate took up, out of its order, Senate bill No. 45.

The Chair laid before the Senate, on second reading,

Senate bill No. 45, A bill to be entitled "An Act on the subject of private corporations organized for the purpose of owning, maintaining and caring for public or private cemeteries, defining their powers and exempting the same from certain provisions of the statutes of this State."

Bill read second time and ordered engrossed.

On motion of Senator Looney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Alexander.	Grinnan.
Barrett.	Harper.
Chambers.	Holsey.
Cunningham.	Looney.
Faust.	Masterson.
Glasscock.	Mayfield.
Green.	Meachum.
Greer.	Murray.
Griggs.	Paulus.

Terrell. Willacy.
Veale.

Absent.

Brachfield. Senter.
Harbison. Skinner.
Hudspeth. Stone.
Kellie. Watson.

Absent—Excused.

Smith. Stokes.

The bill was read third time and passed by the following vote:

Yeas—22.

Alexander. Holsey.
Barrett. Hudspeth.
Chambers. Kellie.
Cunningham. Looney.
Faust. Masterson.
Glasscock. Mayfield.
Green. Murray.
Greer. Paulus.
Griggs. Terrell.
Grinnan. Veale.
Harper. Willacy.

Absent.

Brachfield. Skinner.
Harbison. Stone.
Meachum. Watson.
Senter.

Absent—Excused.

Smith. Stokes.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 67.

On motion of Senator Veale the special order of business (Senate bill No. 55) was suspended, and the Senate took up, out of its order, House bill No. 67.

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading,

House bill No. 67, A bill to be entitled "An Act creating an independent school district, to be known as the Quanah Independent School District, including within its limits the municipal corporation of the town of Quanah, in Hardeman county, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of pur-

chasing school sites, and erecting, furnishing and equipping school buildings within the same and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authority of said board."

Senator Veale offered the following amendment, which was adopted.

Amend, first by striking out in line 13, Section 20, page 6, the word "majority," and insert in lieu thereof "two thirds." Also amend by striking out the word "majority" in line 10, Section 24, page 7 of the bill and inserting "two thirds." Also amend by striking out the word "August" in line 25, Section 6, page 2, and insert "April." Also amend by inserting after the word "provide" in line 28, page 2, Section 6, the following: "Three of whom shall be elected for a term of four years and four for a term of two years, and at the expiration of two years an election shall be held for the election of four years and continue thus alternately, so that election for such trustees shall be held every two years."

Bill read second time, and passed to a third reading.

HOUSE CONCURRENT RESOLUTION NO. 13.

On motion of Senator Willacy, the special order of business (Senate bill No. 55) was suspended, and the Senate took up, out of its order, House Concurrent Resolution No. 13.

The Chair laid before the Senate

House Concurrent Resolution No. 13, Granting leave of absence to Hon. W. B. Hopkins, judge of the Twenty-eighth Judicial District.

The committee report was adopted, and

The resolution was read and adopted.

SENATE BILL NO. 55.

The Chair laid before the Senate, on second reading,

Senate bill No. 55, A bill to be entitled "An Act to authorize the commissioners courts of the several counties of Texas to create and establish drainage districts; to construct canals, drains and ditches; to make levees, improve streams and water courses, and make other improvements for the purpose of drainage; to order and hold elections for the purpose of voting on drainage propositions and authorizing the issuance of bonds and levy of tax, and to issue bonds in payment for such drainage improvements and the maintenance thereof, and to levy and collect taxes for the

payment of such bonds, the appointing of drainage commissioners and all other necessary officers of such drainage districts for the purpose of carrying into effect the provisions of this act; granting the right of eminent domain to such drainage districts, and authorizing the drainage commissioners to acquire by purchase, gift or grant for such district title to any right of way and other property, and generally authorizing the county commissioners court and the drainage commissioners to do all things necessary for the establishment of such districts according to the provisions of this act," etc.

Question being on the committee amendments, and the same was adopted (see committee report in former day's Journal for amendments).

NOTICE OF PUBLICATION.

By unanimous consent, Senator Huds-peth offered the following:

NOTICE TO CITIZENS.

Be it resolved by the city council of the city of El Paso:

Section 1. That notice shall be and is hereby given that application will be made by the city council of the city of El Paso to the Legislature of the State of Texas, to be convened in the city of Austin in January, 1907, for a new charter for the city of El Paso, it being the intention of the council to ask for an extension of the city limits in an easterly, northerly and westerly direction, as well as for charter provisions for the regulation and control of municipal affairs.

Sec. 2. This resolution shall be published in the official paper of the city for thirty days, beginning Tuesday, December 18, 1906.

Oath of Publication.

State of Texas, County of El Paso.

On this 5th day of February, 1907, personally appeared before the undersigned, a notary public within and for said county and State, Juan S. Hart, one of the publishers of the El Paso Daily Times, published in the city of El Paso, county of El Paso, State of Texas, who, being duly sworn, states on oath that the publication, a true copy of which is hereto annexed, was published in said newspaper in its issue of 18th day of December, 1906, and in each daily issue of said paper for thirty consecutive days thereafter.

JUAN S. HART,
Publisher.

Subscribed and sworn to before me, this 5th day of February, 1907.

(Seal.) Z. S. COBB,
Notary Public.

VOTE RECONSIDERED.

Senator Veale moved to reconsider the vote by which House bill No. 67 was passed to a third reading, and spread that motion on the Journal.

The motion was adopted.

SENATE BILL NO. 63—SPECIAL ORDER.

On motion of Senator Barrett, the special order of business (Senate bill No. 55) was suspended, and the Senate took up, out of its order, Senate bill No. 63 for the purpose of making it a special order.

The Chair laid before the Senate

Senate bill No. 63, A bill to be entitled "An Act to amend Sections 36, 37 and 40 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to county supervision of public schools."

On motion of Senator Barrett, the bill was made a special order for next Tuesday morning at the conclusion of the morning call.

SENATE BILL NO. 25—MADE SPECIAL ORDER.

On motion of Senator Alexander, the special order of business (Senate bill No. 55) was suspended, and the Senate took up, out of its order, Senate bill No. 25, for the purpose of making it a special order.

The Chair laid before the Senate

Senate bill No. 25, A bill to be entitled "An Act declaring void sales of portions of stocks of merchandise otherwise than in the ordinary course of trade in the usual and regular prosecutions of the sellers' business, and sales of entire stocks in bulk, unless made in compliance with certain named conditions, and prescribing such conditions and regulations according to which such sales may be made valid."

On motion of Senator Alexander, the bill was made a special order for tomorrow morning after the conclusion of the morning call.

ADJOURNMENT.

On motion of Senator Murray, the Senate, at 4:30 o'clock adjourned until tomorrow morning at 9:30 o'clock.

APPENDIX.

PETITIONS.

By Senator Mayfield:

We, the undersigned citizens of Coryell county being vitally interested in the cotton crop of Texas, earnestly petition our representatives in the House and Senate to support the Jenkins-Mayfield bill for the suppression of gambling in cotton and other farm products, and for the regulation of the cotton exchanges of the country.

Numerously signed.

COMMITTEE REPORTS.

(Floor Report.)

Committee Room,

Austin, Texas, February 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 292, A bill to be entitled "An Act to amend Chapter 144 of the General Laws of the Twenty-ninth Legislature, creating Midlothian Independent School District so as to more clearly define the boundaries of said district, and validating all acts of said incorporation, and declaring an emergency,"

Have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Barrett, Chairman; Glasscock, Green, Harper, Paulus, Grinnan.

(Floor Report.)

Committee Room,

Austin, Texas, February 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 434, A bill to be entitled "An Act creating an independent school district for free school purposes only, in the counties of Johnson and Hill, to be known as the "Grandview Independent School District," and to have all the rights, powers and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only,"

Have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

Barrett, Chairman; Senter, Glasscock, Green, Paulus, Harper, Grinnan.

(Floor Report.)

Committee Room,

Austin, Texas, February 19, 1907.

Hon. A. B. Davidson, President of the Senate,

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 197, A bill to be entitled "An Act creating Kosse Independent School District in Limestone county, Texas," etc.,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Barrett, Chairman; Grinnan, Glasscock, Green, Harper, Paulus, Senter.

Committee Room,

Austin, Texas, February 15, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 141, A bill to be entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education of such practitioners and to insure better sanitary conditions in barber shops and to prevent the spread of diseases in the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PAULUS, Chairman.

Committee Room,

Austin, Texas, February 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

House bill No. 196, A bill to be entitled "An Act to provide a charter for the city of El Paso, in El Paso county, Texas, and to fix the boundaries thereof, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and recommend that it do pass, and be not printed.

Chambers, Chairman; Alexander, Masterson, Griggs, Holsey, Smith, Willacy, Harbison, Green, Senter.

Committee Room,

Austin, Texas, February 19, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and

City Corporations, to whom was referred

House bill No. 433, A bill to be entitled "An Act to incorporate the city of Fort Worth, Tarrant county, Texas, and to grant it a new charter; to define its powers and to prescribe its duties and liabilities, to provide for its approval by the qualified electors of said city, and declaring an emergency,"

Have had the same under consideration, and recommend that it do pass, and be not printed.

Chambers, Chairman; Alexander, Masterson, Griggs, Holsey, Smith, Willacy, Harbison, Green, Senter.

Committee Room,

Austin, Texas, February 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 151, A bill to be entitled "An Act to amend Section 6 of Chapter 102 of the Acts of the Regular Session of the Twenty-sixth Legislature, entitled 'An Act to promote agriculture and stock raising, and to prohibit the hunting with firearms or dogs upon the enclosed or posted lands of another, in all counties within this State, not specially named as exempt from the provisions of this act,' as amended by the Twenty-sixth Legislature, and as amended by Chapter 71a, General Laws of the Twenty-ninth Legislature, to provide penalties, and with an emergency clause,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, February 18, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 118, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office, with the consent and approval of the Attorney General, to sell the guayule, lechuguilla, sotol and other vegetation on school lands, and to enter into contracts for the purpose of determining the commercial value of substances found upon public free school land,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, February 15, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 144, "An Act providing for the method and procedure of serving process and the taking and procuring and returning of testimony of witnesses, whether residing or being within or without the State of Texas, and the taking and procuring of documentary evidence, whether within or without said State, before and to be used before any investigating committee before which an investigation is now pending, or before any investigating committee before which an investigation may hereafter be pending, where such investigation has heretofore been or may hereafter be ordered by the Legislature of this State or either branch of such Legislature, for the imposition of fines upon, or imprisonment of, any witness for contempt, and authorizing such investigating committee to appoint two of their members as a special commission to take testimony either within or without this State, with the emergency clause.

Be it enacted by the Legislature of the State of Texas:

Section 1. In the investigation of any public officer elected by the Legislature or the qualified voters of the State of Texas, or of any nominee of any political party in said State for election by the Legislature or qualified voters thereof, to any public office in respect to matters or charges that reflect upon the personal or official integrity of such public officer or nominee or that disqualifies or tends to disqualify such public officer to hold the office to which he has been elected or nominated by any political party, or any investigation of any other matter or for any other purpose that may be ordered by the Legislature of this State or either house of such Legislature, before any committee heretofore appointed by the Legislature of this State or by either house of said Legislature and now pending, or before any committee that may hereafter be appointed by the Legislature of this State or either house thereof, at this or any subsequent session, such investigating committee and each member thereof shall have full power and authority to administer oaths to officers, clerks and stenographers that it may employ in connection with the performance of its duties and to any witnesses and parties called to testify before it, and

said investigating committee shall have full power and authority to issue any and all process that may be necessary to compel the attendance of witnesses and the production of any books, papers and other written documents it may designate, and to compel any witness to testify in respect to any matter or charge by it being investigated in answer to all pertinent questions propounded by it or under its direction and to fine or imprison any witness for his failure or refusal to obey the process served on him by such committee or to answer any such pertinent questions propounded; provided, that such fine shall not exceed \$100 nor shall imprisonment extend beyond the date of adjournment of the Legislature then in session; and provided further, that the testimony given by a witness before such investigating committee shall not be used against him in any criminal action or proceeding, nor shall any criminal action or proceeding be brought against such witness on account of any testimony so given by him, except for perjury committed before such committee.

Sec. 2. The Sergeant-at-Arms or Assistant Sergeant-at-Arms of either house of the Legislature of this State or any sheriff or constable of this State may serve any process that may be issued by said investigating committee or by any commission by them appointed, for the attendance of witnesses who reside within this State; and if such service is made by any sheriff or constable he shall be allowed the same fees and mileage allowed for similar process by the district courts of this State in civil cases. Should said investigating committee so direct, any witness visiting or being within this State may be summoned before such committee by having a brief statement of the process issued for such witness, transmitted by telegram to any sheriff or constable of the county within which such witness may reside or is supposed to be at the time such process may be issued.

Sec. 3. Whenever such investigating committee before which any investigation such as herein above defined is pending shall deem it necessary or advisable to procure the testimony of any witness or witnesses residing or being at a great distance from the city of Austin within this State, or residing or being without this State, or procure the evidence contained or supposed to be contained in any books, papers or written documents without this State, such investigating committee may name, appoint and delegate any two of its members as a special commission to go to

any such distant point or points within this State or beyond the confines of this State where such witness resides or is supposed to be or where such evidence may probably be had, for the purpose of procuring the testimony of such witness or witnesses or of such evidence and shall seek to procure the same as hereinafter provided.

Sec. 4. When such special commission as hereinabove defined shall be appointed and delegated by said investigating committee, notice thereof shall be forthwith given to the party under investigation or his attorneys of record, and the point or points to which such special commission is directed to go, as far as may then be known shall be stated in such notice, and the order in which such points are to be visited as far as may then be known; provided, that such special commission may visit any other point or points than those named by such investigating committee, if in the judgment of such commission necessary to procure such testimony or any other material testimony.

Sec. 5. Such special commission shall have authority to issue any and all process that may be necessary to compel the attendance of witnesses before them, administer oaths to witnesses, compel witnesses to produce before them any books, papers and other written documents designated in any process by them issued and take the testimony of any witness in respect to any matters or charges pending before said investigating committee and to compel any witness to answer any questions propounded by them or under their direction pertinent to such matters or charges; and should said commissioners disagree as to the admissibility of any evidence to which objection is made they shall receive the same, together with such objections, to be referred to the investigating committee for its decision. Whenever any witness is subpoenaed by said commissioners to appear before them, such subpoena shall state the time when and the place where such witness is expected to appear to testify in respect to such matters and charges and reasonable time, to be determined by said commissioners, shall be given such witness to make his appearance and produce any books, papers and documents that he may be required by the process served on him to produce before said commissioners. Said commissioners shall employ an expert stenographer to take down all questions propounded to any witness and his answers thereto, whether said witness is examined before

them or before some office of the State in which such examination is being had as hereinafter provided.

Sec. 6. Said commissioners, if they elect so to do, may file with any judge of any court of record, justice of the peace, commissioner of deeds for the State of Texas, or notary public of the county and State where any witness, whose testimony is desired may reside or be found, a brief statement of the matters or charges under investigation by the Legislature of the State of Texas or either house of such Legislature in respect to which the testimony of such witness is sought, the name of the witness and where he can probably be found, the reasons why such witness is believed to possess the information sought, and when books, papers and other documents are accessible to such witness are desired, such a description thereof as will enable the witness to produce the same, and thereupon ask that such judge, justice of the peace or commissioner of deeds or notary public shall summon such witness to appear before him with any books, papers, and other written documents that may be so designated, and testify in answer to any and all pertinent questions that may be propounded to him by said commissioners or under their direction in respect to said matters and charges. Any subpoena or other process issued by said judge, justice of the peace, commissioner of deeds or notary public shall state the time and place of holding such examination and otherwise conform to the laws of the State in which the same is issued; and the examination of such witness shall be in the same manner and subject to the same rules of procedure as provided by law for taking the depositions of witnesses in answer to oral interrogatories and cross interrogatories under a commission issued upon agreements of the parties litigant by the district courts of the State of Texas to take the deposition of non-resident witnesses, except that no notice shall be required to be given to any one other than the witness and the party being investigated by the Legislature of the State of Texas or either house of said Legislature. Any process that may be issued by any officer without this State hereinabove named may be served by any sheriff, constable or policeman of the county and State in which such witness may reside or be found, and for such service shall receive the same fees and mileage as may be provided by the law of said State for service of process in the district or circuit courts of such State in civil cases.

Sec. 7. Any process issued by said

commissioners or by any of the officers named in Section 6 of this act when the same is to be served without this State, shall be served by any of the officers named in Section 6 by delivering a true copy of such process to the witness therein named, and such officer shall make his return on such service showing how and when the same has been served and service of process in this State shall be the same as service of similar process in civil cases in the district courts of this State.

Sec. 8. When any witness appears to testify, either before said commissioners or any of the officers named in Section 6 of this act, the questions propounded and answers thereto shall be taken down by a competent stenographer and thereafter transcribed, together with all objections thereto, and shall be returned to the investigating committee to be incorporated in the record as a part of the evidence in such investigation, subject to the ruling of said investigating committee as to the admissibility of any evidence therein contained. Any officer named in Section 6 of this act shall have power and authority to compel any witness appearing before him to testify in answer to any and all pertinent questions propounded and upon the failure or refusal of such witness to testify such officer may fine or imprison such witness for contempt to the extent and as may be provided by the laws of the State in which such witness is examined. The commission provided for by this act shall have the authority to employ and have accompany them not more than one attorney who is not a member of such committee and who is a citizen of the State of Texas, at the expense of the State, but shall not have the authority to employ attorneys who are not citizens of this State at the expense hereof.

Sec. 9. The fact that there is no law now provided for the procuring of evidence in investigation by the Legislature of this State or either house of the Legislature of this State, and the further fact that there is now pending before committees appointed by the Senate and House of Representatives of this Legislature an investigation ordered by said Senate and House of Representatives, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find the same correctly enrolled, and have this day at 4:25 o'clock p. m.,

presented the same to the Governor for his approval.

MASTERTSON, Chairman.

THIRTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
Wednesday, February 20, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson
in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Watson.
Holsey.	Willacy.

Absent.

Meachum.

Absent—Excused.

Stokes.

Absent Excused—On Account of Investigating Committee.

Senter.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Mayfield, the same was dispensed with.

EXCUSED.

On motion of Senator Masterson, Senator Meachum was excused from attendance upon the Senate for today on account of sickness.

On motion of Senator Harper, Senator Smith was excused from attendance upon the Senate for today on account of sickness.

(See Appendix for committee reports, petitions and memorials.)

BILLS AND RESOLUTIONS.

By Senator Alexander:

Senate bill No. 198, A bill to be entitled "An Act to amend Articles 5098, 5100, 5120 and 5124 of Chapter 3, Title CIV of the Revised Civil Statutes of 1895, relating to taxation."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Griggs:

Senate bill No. 199, A bill to be entitled "An Act to amend Chapter 10 of the General Laws passed at the First Called Session of the Twenty-ninth Legislature of Texas, by amending subdivision 2 of Section 16 of said act, and by repealing Section 21 of said act."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Glasscock and Senter:

Senate bill No. 200, A bill to be entitled "An Act to amend Section 15 of Chapter 94, Acts of the Twenty-eighth Legislature of Texas, entitled 'An Act to define, prohibit and declare illegal trusts, monopolies and conspiracies in restraint of trade, and to prescribe penalties for forming or being connected with such trusts, monopolies and conspiracies and to provide for the suppression of same, and to promote free competition in the State of Texas, and to repeal all laws in conflict therewith,' and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

Morning call concluded.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 20, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 287, A bill to be entitled "An Act to amend Articles 2282 and 2284 of the Revised Civil Statutes of the State of Texas, 1895, as amended by an act entitled 'An Act to amend Title XL, Chapter 2, of the Revised Civil Statutes of the State of Texas, 1895, by adding Article 2274a, and amending Articles 2282 and 2284 of said title and chapter, relating to notice for and the manner of taking depositions in civil cases, approved April 12, 1905,' and to repeal Article 2274a of said act of April 12, 1905, and to add to said Title XL, Chapter 2, of the Revised Civil Statutes of the State of Texas, 1895, Articles 2291a, 2291b, 2291c, 2291d, 2291e, 2291f, and 2291g, amending the statute so as to provide for taking deposition in civil cases orally."

House bill No. 87, A bill to be entitled "An Act declaring that persons, firms and corporations who sell intoxicating liquor without first procuring license